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8 Counsel for ALPHA-O PEPTIDES AG and PETER  
9 BURKHARD, PH. D, Plaintiffs

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11  
12 **IN THE UNITED STATES DISTRICT COURT**  
13 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

14 Case No.: 8:23-cv-01758-JVS-ADS

15 ALPHA O PEPTDIES AG, a Swiss  
16 limited company,  
17 PETER BURKHARD, PH.D., an  
18 individual

19 **STIPULATION OF DISMISSAL**  
20 **WITHOUT PREJUDICE**

21 Plaintiffs,

22 vs.

23 THE REGENTS OF THE UNIVERSITY  
24 OF CALIFORNIA, a public trust,  
25 SUNOMIX THERAPEUTICS, entity form  
26 unknown, LBACHIR BENMOHAMED,  
27 PH.D, an individual, MOHAMED  
28 BOUZIANE, an individual, and DOES 1  
THROUGH 50, inclusive,

Defendants.

1 WHEREAS, this action was commenced on September 19, 2023 by the filing of  
2 the Complaint;

3  
4 WHEREAS, Plaintiffs Alpha O Peptdies AG and Peter Burkhard (collectively,  
5 “Plaintiffs”) have engaged in meet and confer efforts with defendants The Regents of  
6 the University of California, Sunomix Therapeutics, Lbachir Benmohamed, and  
7 Mohammed Bouziane (collectively, “Defendants”) regarding each of the Defendants’  
8 respective responses to the Complaint;

9  
10 WHEREAS, pursuant to the parties’ meet and confer efforts, Plaintiffs agree to  
11 dismiss this action in its entirety without prejudice;

12  
13 WHEREAS, Defendants agree that 28 U.S.C. § 1367(d) applies to Plaintiffs’  
14 Complaint to toll the statute of limitations when the Complaint was filed for the state  
15 law claims plead in the Complaint, and that the statute of limitations for those state  
16 law claims will remain tolled for 30 days following dismissal;

17  
18 THE PARTIES HEREBY STIPULATE that:

19  
20 1. this lawsuit and all claims therein be dismissed WITHOUT PREJUDICE  
21 pursuant to Federal Rule of Civil Procedure 41(A)(ii), each party to bear its own fees  
22 and costs;

23  
24 2. 28 U.S.C. § 1367(d) applies to Plaintiffs’ Complaint to toll the statute of  
25 limitations when the Complaint was filed for the state law claims plead in the  
26 Complaint, and that the statute of limitations for those state law claims will remain  
27 tolled for 30 days following dismissal. Nothing in this stipulation shall preclude any  
28

1 defendant from asserting a statute of limitations defense against any claim (based on  
2 state law or otherwise) for which the statute of limitations expired prior to Plaintiffs'  
3 filing of the Complaint on September 19, 2023.  
4

5 IT IS SO STIPULATED.

6 Dated: January 23, 2024

Respectfully submitted,

9 By: /s/ Ryan J. Marton

Ryan J. Marton

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15 Attorneys for Defendants,

16 THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA and LBACHIR

17 BENMOHAMED

18  
19 By: /s/ Chad M. Mandell

Chad M. Mandell (Cal. Bar. No. 272775)

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23 Franklin S. Abrams Ph.D. (*pro hac* forthcoming)

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27 Attorneys for Plaintiffs,

28 ALPHA O PEPTIDES, AG and PETER  
BURKHARD, PH.D

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By: /s/ Andrew Galvin  
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Attorneys for Defendants,  
SUNOMIX THERAPEUTICS and  
MOHAMMED BOUZIANE

**CERTIFICATE OF SERVICE**

I hereby certify that on January 23, 2024, I caused a true and correct copy of the foregoing document to be served on all counsel of record for Defendants via e-mail and the Court's e-filing system.

Date: January 23, 2024

By: /s/ Chad M. Mandell